MONTANA LEGISLATIVE HISTORY

Chapter 336 19 81

Bill H _____ S 72 Original bill & history ___C

H. Committee on STATE ADMIN			S. Committee on STATE ADMIN		
Hearing Date(s)	3/4	X C	Hearing Date(s)	1/12	X C
EXEC ACTION	3/5	X C	EXEC ACTION	1/13	X C
		___C			___C
		___C			___C
Date Out		___C			

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

47th LEGISLATIVE SESSION

COMMITTEE ON STATE ADMINISTRATION

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
Senate 10	1/5/81	transferred to judiciary 1/6/81							
26	1/5/81	1/8; 1/12				1/12/81			
39	1/5	1/8		1/8/81					
46	1/5	1/8		1/8/81					
56	1/5								
62	1/5	1/9; 1/13		1/13/81					
71	1/7	1/12; 1/13				1/13/81			
72	1/7	1/12; 1/13		1/13					
74	1/15	1/22; 1/27		1/27					
78	1/8	1/13		1/13					
81	1/8	1/13; 1/19			1/19/81				
82	1/8	1/13; 1/19			1/19/81				
86	1/9	1/14; 1/19				1/19/81			
87	1/9	1/14		1/19					
92	1/10	1/16; 1/19			1/19/81				
93	1/10	1/16; 1/19			1/19/81				

Use a separate sheet for Senate, House Bills, and Resolutions.

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

January 12, 1981

The third meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on the above date, in Room 442 of the State Capitol Building at 10:00 o'clock a.m.

ROLL CALL: All members of the committee were present with the exception of Senator Hafferman and Senator Johnson.

CONSIDERATION OF SENATE BILL NO. 72:

AN ACT REQUIRING THAT A FISCAL NOTE AND STATEMENT ACCOMPANY CERTAIN INITIATIVE PETITIONS AND BALLOTS; PERMITTING COURT REVIEW OF THE FISCAL STATEMENT; AND PROVIDING FOR INCLUSION OF THE STATEMENT IN THE VOTER INFORMATION PAMPHLET;"

The chairman introduced Senator Jack Galt, Martinsdale, District 23, author of the bill, to present his testimony of Senate Bill No. 72.

Senator Galt stressed that a fiscal note should be required on initiative petitions and ballots. He informed us that the Attorney General would examine these petitions. If the proposed ballot issues have an effect on the revenues, expenditures, or the fiscal liability of the state, he shall order a fiscal note by the Budget Director.

Proponents for the Bill No. 72 who testified and their representing organizations are as follows: Janelle Fallan, Chamber of Commerce; Mike Males, Environmental Information Center; Peter Jackson, WETA; Bob Helding, Montana Wood Products Association; Mons Teigen, Montana Stockgrowers Association; S. Keith Anderson, Montana Taxpayers Association; and Mark Mackin, Citizens Legislative Coalition. These proponents expressed interest in the initiative process, the kind of benefits to the state and urged the committee to pass this bill.

Proponent Mackin expressed a reservation only in that the fiscal note would apply for only those issues that qualify for the ballot.

Senator Galt stated that the House likes this bill because it would cut costs and feels like it deserves consideration and has suggested amendments be included.

Proponent Alan Ostby indicated concern that time and money might be spent on measures that never make it to the ballot.

Opponents were called: There were none. Questions from the committee were heard.

Senator Towe asked Senator Galt if he is in favor of referendums being added. The answer was "Yes."

Senator Ryan asked Senator Galt why the Attorney General should be given more time to complete a fiscal note. Senator Galt answered that there are more economic and complicated issues.

There was no fiscal note attached to the bill.

Senator Story appointed a subcommittee of Senators Hammond and Ryan for Senate Bill #72.

ACTION OF SENATE BILL #26: Senator Towe gave his subcommittee report on this bill and moved that amendments be added. See attached Standing Committee Report. The amendments were unanimously approved by those present.

Senator Towe moved that the Senate Bill #26 DO PASS, AS AMENDED. This was unanimously passed by the committee. See attached Standing Committee Report.

CONSIDERATION OF SENATE BILL #71:

AN ACT TO AMEND SECTION 1-11-301, TO PROVIDE FOR THE FREE DISTRIBUTION OF COPIES OF THE MONTANA CODE ANNOTATED TO THE STATE LAW LIBRARY AND TO MONTANA'S DEPOSITORY LIBRARIES.

Senator Brown explained that his bill would provide to state depositing libraries free copies. Senator Brown indicated that this Bill #71 would result in a fiscal impact of $5,700.00. However, there was no fiscal note attached.

Proponent Claire Engel from the Law Library said the number of copies to be distributed are 19: 14 to deposition libraries, 11 to Federal headquarters, 4 to law libraries.

After the proponents had finished testifying, opponents were called for by the Chairman. There being none, questions were asked from the committee.

Senator Ryan asked if there is a great request from the public and if they are aware there are copies in their counties.

513-86

MONTANA'S INITIATIVE PROCESS -- DOES IT NEED MORE REGULATIONS? $1372

Since 1908, the Montana Constitution has allowed Montana citizens the right to oppose legislation by petition and enact or reject it at the polls. The 1981 legislature is faced with six bills relating to the initiative process, two of which would place unprecedented regulations on that process.

This sheet, prepared by Montanans who have used the initiative process, is intended to provide information to legislators before they vote on these bills.

DO INITIATIVES COST TAXPAYERS A LOT OF MONEY?

Like any other bills, some initiatives would increase taxes, others lower taxes, others have no effect. SB 72 seeks to require ballot issues to carry fiscal notes showing the cost or savings of each proposal. The fiscal note would have to be printed on the petition, in the voter handbook, and on the ballot. SB 72 will help prevent irresponsible speculation about the tax impacts of ballot issues and deserves your "yes" vote. Suggested amendment: SB 72 should be amended to require that legislatively-referred ballot issues under 13-27-315 also have their fiscal note printed on the ballot. (MCA reference: 13-27-312)

12 January 1981
This information prepared by:

Mike A. Males (lobbyist, Environmental Information Center)
Mark Mackin (lobbyist, Citizens Legislative Coalition)

PROPONENTS: None.

OPPONENTS:

Mr. Larry Nachtscheim, testimony included, was in opposition to this bill because the cost for the employer would be $695 per person per year. He claims there is not adequate funding for the bill, and his second reason for opposing it is that it is precedent setting.

Bob Johnson read his testimony of opposition, which is included.

Questions from the committee:

Senator Towe asked if people would be opposed to the bill if they had to pay their way in, including the state share. Senator Eck answered that it would be appropriate.

Senator Story appointed a subcommittee of Senators Ryan and Johnson to review this Senate Bill No. 82.

ACTION ON SENATE BILL NO. 62:

Senator Kolstad moved that S.B. No. 62 DO PASS. It passed by unanimous vote.

ACTION ON SENATE BILL NO. 71:

Senator Kolstad moved that the bill do not pass; a substitute motion was made by Senator Towe that this bill be amended. This motion passed by majority vote. He then moved the amendments be passed, which provided that annotations would not be provided free so that the cost would be absorbed by the users. The motion passed by majority vote. He then moved that the bill DO PASS, AS AMENDED. The motion passed by majority vote, with Senators Story and Ryan voting "No".

ACTION ON S. B. NO. 72: Senator Hammond moved that this bill DO PASS. It was seconded and motion carried by unanimous vote by those present.

ACTION ON SENATE BILL NO. 81: Senator Towe moved that this bill DO PASS. The vote ended in a tie and will have to be determined by Senator Johnson who was absent.

ACTION ON SENATE BILL NO. 78: Senator Hafferman moved that this bill DO PASS, and motion was carried by majority vote with Senator Ryan voting "NO".

ADJOURNMENT: The meeting was adjourned at 11:06 a.m.

SENATOR PETE STORY

January 13 81
19

MR. President

We, your committee on State Administration

having had under consideration Senate Bill No. 72

Respectfully report as follows: That Senate Bill No. 72

DO PASS

Pete Story
Chairman.

STATE PUB. CO.
Helena, Mont.

STATE ADMINISTRATION
MARCH 4, 1981
RM 436

The meeting of the House State Administration Committee was called to order at 8:00 a.m. on March 4, 1981, with Chairman Jerry Feda presiding. All members were present except Representative Azzara.

Chairman Feda opened the meeting to a hearing on SB 72.

SENATE BILL 72-SPONSOR, Senator Galt, introduced this bill to the committee. If a proposed ballot issue has an effect on the revenues, expenditures, or the fiscal liability of the state, this bill requires the budget director to prepare a fiscal note for the measure. The attorney general will then prepare a fiscal statement to appear on the petition and the ballot if the measure is placed on the ballot. If proponents or opponents of a ballot measure are dissatisfied with the fiscal statement, they may file an action in district court for judicial review of the statement. The fiscal statement also will be included in the voter information pamphlet distributed by the secretary of state. Senator Galt stated that he is not against the initiative process but feels it should be conducted in an orderly manner.

PROPONENTS

BILL HAND, Montana Mining Assoc., stated support of this bill.

ALLEN SHUMATE, citizen, arose in support of the bill.

PETER JACKSON, Western Environmental Trade Assoc. (WETA), stated support of SB 72.

FOREST BOLES, Montana Chamber, stated his support of the bill.

MIKE MALES, E.I.C., stated support of the bill and offered an amendment which is attached and is EXHIBIT 1 of the minutes.

MARK MACKIN, Citizens Legislative Coalition, stated that this bill will restrict signature gathering to an extent but moves in the direction of good, responsible government.

OPPONENTS

There were no opponents to SB 72.

SB 72 (cont.)

QUESTIONS BY THE COMMITTEE:

Sales: Do you have any objection to the amendment offered by Mr. Males?

Galt: No, I have no problems with that amendment.

Males: This merely creates a consistency for all the ballot issues.

Senator Galt closed the hearing on SB 72.

SENATE BILL 86-SPONSOR, Senator Galt, introduced SB 86 to the committee. This bill proposes a constitutional amendment to increase the number of signatures required on an initiative petition from 5% to 10% of the qualified electors in each of at least one-third of the legislative representative districts. It also increases the total number of signers required for a measure to appear on the ballot from 5% to 10% of the total qualified electors in the state. He stated that out of the 23 other states that have the initiative process, 2 require that the initiative go through the legislative process, 17 require that more than 5% of qualified electors sign the petition. Of those, 7 states require 10%, Wyoming requires 15% and Florida requires 80%.

PROPONENTS

BILL HAND, Montana Mining Assoc., stated that it is good to have more public involvement in the initiative process and makes for a more responsible voting process.

ALLEN SHUMATE, representing himself, stated that this is a good bill and he supports it.

PETER JACKSON, WETA, stated that the more involvement you get from the people the more responsible the bill becomes.

FOREST BOLES, Montana Chamber, stated support of this bill.

ROBERT HELDING, Montana Wood Products Assoc., stated that it is the proper exercise of the legislature to submit this bill to the people.

Mabs ①

EXHIBIT 1

3/4/81

SB 72, AMENDMENT TO INCLUDE ALL BALLOT ISSUES

SB 72 is amended by adding:

Page 6, Line 1: "Section 4. Section 13-27-315 is amended to read as follows:

"13-27-315. Section (1) same

(2) same

(3) If the ballot issue referred by the legislature has an effect on revenues, expenditures, or the fiscal liability of the state, the Attorney General shall order a fiscal note prepared in the manner provided in 13-27-312 (1).

(4) The Attorney General shall prepare a fiscal statement of no more than 25 words for each issue for which a fiscal note is prepared. The fiscal statement, along with the other statements required by this section, shall appear in the voter information pamphlet provided for in Part 4 of this chapter and on the ballot form for the issue.

VISITORS' REGISTER

HOUSE STATE ADMINISTRATION COMMITTEE

BILL SB 72 Date 3/4/81

SPONSOR GALT

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOSE
Peter Jacobs	Helena	Weta	✓	
Phyllis A. Bock	Helena	MT'S POWER TO THE PEOPLE		✓
MIKE MALES	HELENA	E.I.C.	✓	
[illegible]	"	Retired	✓	
JACK MACKIN	Helena	C L C	✓	
[illegible] Bales	Helena	Mt Chamber	✓	
[illegible] Harding	Missoula	Mt. Wood Products	✓	
Bill Hand	Helena	Mt. Mfg Ass'n	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EXECUTIVE SESSION (cont.)

SENATE BILL 72 — BE CONCURRED IN AS AMENDED

Lois Menzies, staff researcher, explained the amendments to the committee. A copy of the amendments is attached to the minutes.

Representative Sales moved the amendments. Following discussion a vote was taken and carried unanimously.

Representative Sales moved SB 72 BE CONCURRED IN AS AMENDED. A vote was taken and carried unanimously with those present.

Representative Kanduch was assigned to carry SB 72 in the House.

SENATE BILL 86 — BE NOT CONCURRED IN

Representative Sales moved SB 86 BE NOT CONCURRED IN. He said that the present system of getting initiatives on the ballot is difficult enough. It was brought out in the testimony that the AFL-CIO could not get an initiative on the ballot which proves that it is not an easy task.

A vote was taken on the motion and carried with 17 YES, and 2 NO. Representatives Kropp and Smith voted NO.

SENATE BILL 87 — TABLED

Lois Menzies explained the amendments.

Representative Sales moved that the bill be amended so that all petitioning would be prohibited at the polls as well as the other amendments. See amendments attached.

A vote was taken on the motion to amend SB 87 and carried unanimously with those present.

Representative Spilker said that she would like the committee to pass consideration of SB 87 for the day because there may be a question on changing the intent of the bill and also the committee may want to wait and see what happens with HB 336 in the Senate since it could be a better bill.

STANDING COMMITTEE REPORT

MARCH 5 19 81

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 72

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A FISCAL NOTE AND STATEMENT ACCOMPANY CERTAIN INITIATIVE PETITIONS AND BALLOTS; PERMITTING COURT REVIEW OF THE FISCAL STATEMENT; AND PROVIDING FOR INCLUSION OF THE STATEMENT IN THE VOTER INFORMATION PAMPHLET; AMENDING SECTIONS 13-27-312, 13-27-306, AND 13-27-401, MCA."

Respectfully report as follows: That SENATE Bill No. 72

be amended as follows:

1. Title, line 5.
Following: "CERTAIN"
Strike: "INITIATIVE"
Insert: "BALLOT ISSUE"

2. Title, line 6.
Following: "OF"
Strike: "THE"
Insert: "CERTAIN"

3. Title, line 7.
Following: line 6
Strike: "STATEMENT"
Insert: "STATEMENTS"

4. Title, line 8.
Following: "13-27-312,"
Insert: "13-27-315,"

DO BE SO

(CONTINUED)

G. C. "JERRY" FEDA Chairman.

STATE PUB. CO.
Helena, Mont.

5. Title, line 9.
Following: "13-27-316,"
Strike: "AND"
Following: "13-27-401,"
Insert: "AND 13-27-501,"

6. Page 3.
Following: line 14
Insert: "Section 2. Section 13-27-315, MCA, is amended to read:

"13-27-315. Statements by attorney general on issues referred by legislature. (1) Upon receipt of a copy of a ballot form under 13-27-310(2) for an issue proposed by the legislature, the attorney general shall order a fiscal note as provided in 13-27-312(1) if the issue has an effect on the revenues, expenditures, or the fiscal liability of the state. At the same time the explanatory statement is prepared under subsection (2), the attorney general shall prepare a fiscal statement of no more than 25 words to be forwarded to the secretary of state at the same time as the explanatory statement.

~~(1)~~ (2) At the same time the attorney general, pursuant to 13-27-313, informs the secretary of state of the approval or rejection of a ballot form for an issue proposed by the legislature, the attorney general shall forward to the secretary of state a statement, not exceeding 100 words, expressing a true and impartial explanation of the purpose of the measure in plain, easily understood language. The statement may not be an argument and may not be written to create a prejudice for or against the issue. The statement prepared under this section is known as the attorney general's explanatory statement.

~~(2)~~ (3) If statements of the implication of a vote for or against a ballot issue have not been provided by the legislature, the attorney general shall prepare the statements. Requirements for statements of implication for ballot issues referred by the legislature are the same as those provided in 13-27-312 for other ballot issues. Statements of implication prepared by the attorney general must be returned to the secretary of state no later than the time specified for approval of the ballot form."
Renumber: subsequent sections

(CONTINUED)

G. C. "JERRY" FEDA Chairman.

STATE PUB. CO.
Helena, Mont.

7. Page 5.
Following: line 25
Insert: "Section 5. Section 13-27-501, MCA, is amended to read:

"13-27-501. Secretary of state to certify ballot form. The secretary of state shall furnish to the official of each county responsible for preparation and printing of the ballots, at the same time as he certified the names of the persons who are candidates for offices to be filled at the election, a certified copy of the form in which each ballot issue to be voted on by the people at that election is to appear on the ballot. Unless otherwise provided in the legislative act or petition placing the issue on the ballot, the secretary of state shall list for each issue the number, the method of placement on the ballot, the title, the attorney general's explanatory statement, if applicable, the fiscal statement, if applicable, and the statements of the implication of a vote for or against the issue that are to be placed beside the diagram for marking the ballot. The secretary of state shall use for each ballot issue the title of the legislative act or legislative constitutional proposal or the title provided by the attorney general or district court. Following the number of the ballot issue, the secretary of state shall include one of the following statements to identify why the issue has been placed on the ballot:

(1) an act referred by the legislature;
(2) an amendment to the constitution proposed by the legislature;
(3) an act of the legislature referred by referendum petition; or
(4) a law or constitutional amendment proposed by initiative petition."

BE CONCURRED IN AS AMENDED

G. C. "JERRY" FEDA Chairman.

STATE PUB. CO.
Helena, Mont.

REPRESENTATIVE KANDUCH

YOU HAVE BEEN ASSIGNED TO CARRY SENATE BILL SB 72.

JERRY FEDA, Chairman

REPRESENTATIVE HANSON ASSIGNED TO CARRY SB 257

REPRESENTATIVE BRIGGS

YOU HAVE BEEN ASSIGNED TO CARRY SENATE BILL SB 39.

JERRY FEDA, Chairman

REPRESENTATIVE PHILLIPS

YOU HAVE BEEN ASSIGNED TO CARRY SENATE BILL SB 46.

JERRY FEDA, Chairman

REPRESENTATIVE DUSSAULT

YOU HAVE BEEN ASSIGNED TO CARRY SENATE BILL SB 142.

JERRY FEDA, Chairman